

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, individually, and on behalf of §
a class of others similarly situated, §

Plaintiffs, §

v. §

Case No. 1:08-cv-00248

DELL INC., §
and §

DELL MARKETING USA L.P., §

Defendants. §

ORDER

The Court has considered Defendants' Motion to Facilitate Notice of a Collective Action. After reviewing the Motion, the evidence, Plaintiffs' Response, Defendants' Reply, and the other pleadings on file in this matter, the Court is of the opinion that the Motion should be GRANTED. It is therefore:

ORDERED that notice shall be sent by a third-party administrator. Plaintiffs shall bear the cost of sending notice through the third-party administrator. Within ten days of the date of this Order, the parties shall confer and select a mutually agreeable third-party administrator to send notice. The parties are ordered to notify the Court of their selection. If the parties cannot agree upon a third-party administrator within ten days of the date of this Order, the Court shall designate a third-party administrator.

Within twenty days of the selection or designation of a third-party administrator, Dell shall submit to the third-party administrator a list of all business sales representatives, as defined in the notice, who were employed by Dell the three-year period prior to the date of this Order. The list shall contain such individuals' mailing addresses and telephone numbers. The notice

sent by the third-party administrator shall be in the form proposed by Defendants in Exhibit B to Defendants' Reply. If any individual wishes to opt into this lawsuit after receiving notice, they shall be instructed to return their Consent to Join forms to the third-party administrator within forty-five days of the date that the notice is sent. At or prior to the end of the opt-in period, the third-party administrator shall provide to Plaintiffs' counsel all Consent to Join forms that are postmarked by forty-five days from the date that the third-party administrator mails the notice. Plaintiffs' counsel will file all timely, properly executed Consent to Join forms with the Court.

SIGNED this _____ day of _____, 2009.

U.S. DISTRICT JUDGE